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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CITY OF INGLEWOOD, a public entity,

Plaintiff,

vs.

JOSEPH TEIXEIRA and Does 1-10,

Defendants.

Case No. **2:15-cv-01815-MWF-MRW**

Assigned to the Hon. Michael Fitzgerald

**DEFENDANT'S SUPPLEMENTAL
REQUEST FOR JUDICIAL
NOTICE; SUPPLEMENTAL
DECLARATION OF JOSEPH
TEIXEIRA WITH EXHIBIT G**

Hearing Date: June 22, 2015

Time: 10:00 a.m.

Courtroom: 1600

Action Filed: March 12, 2015

Pursuant to Rule 201 of the Federal Rules of Evidence, Defendant Joseph Teixeira respectfully requests that this Court take judicial notice of copyright registration applications submitted by the City of Inglewood (the “City”), and referenced in the Complaint. True and correct copies of these applications are attached as **Exhibit G** to the Supplemental Declaration of Joseph Teixeira.

The City specifically identifies the applications in the Complaint, and relies on them for its claim of copyright infringement. See Cmplt. ¶ 14, p. 9 (Cmplt. Ex. A). Consequently, they are proper subjects of judicial notice. See Campbell v. Walt Disney Co., 718 F. Supp. 2d 1108, 1111 n.3 (N.D. Cal. 2010) (taking judicial notice of materials incorporated by reference in complaint that form basis for copyright claim); Sobhani v. @radical.media, Inc., 257 F. Supp. 2d 1234, 1236 n.1 (C.D. Cal. 2003) (same); Warren v. Fox Family Worldwide, Inc., 171 F. Supp. 2d 1057, 1062 (C.D. Cal. 2001) (taking judicial notice of copyright registration materials).

The applications are relevant to Mr. Teixeira’s Motion to Strike, which seeks to strike the City’s Request for Attorneys’ Fees based on its failure to register the underlying works prior to commencement of the purported infringement or within three months after first publication of the works, as required under Section 412 of the Copyright Act. See Dkt. # 8 (Motion to Strike). The applications show that they were submitted on February 2, 2015, and received by the Copyright Office on February 3, 2015, which is after the commencement of the purported infringement, and beyond three months after first publication of the works. Id.; Ex. G.

Although the City referenced the applications in the Complaint and relied on them for its claim, the City did not actually attach the applications to its pleading, and did not identify when the applications were filed. After being served with the Complaint, Mr. Teixeira submitted a request for copies of the applications on April 1, 2015, pursuant to the California Public Records Act (“CPRA”). See Dkt. # 9-1 (Teixeira Decl. ¶ 10). He received no response from the City as of the filing of his Motion to Dismiss and Motion to Strike on April 17, 2015. Id.; Supplemental

1 Teixeira Decl. ¶ 2. The City subsequently responded to Mr. Teixeira's CPRA
2 request and provided the applications to him after his Motions had been filed. Id. ¶
3 3. Because the applications are the City's own records, which it provided to Mr.
4 Teixeira after his Motions were filed, there is no prejudice to the City from the Court
5 taking judicial notice of these records at this time.¹

6 For the reasons set forth above, Mr. Teixeira respectfully requests that this
7 Court take judicial notice of Exhibit G.

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9 DATED: May 1, 2015

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13 By: /s/ Dan Laidman

14 Dan Laidman

15 Attorneys for Defendant
16 Joseph Teixeira

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28 ¹ The City has until May 18, 2015, to file its opposition papers per the parties'
stipulated briefing schedule, which this Court has approved. See Dkt. # 13.